

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

OSCAR MARTINEZ,  
*Petitioner,*

v.

SUPERINTENDENT  
PATRICIA THOMPSON, *et al.*,  
*Respondents.*

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CIVIL ACTION NO. 22-CV-139

**ORDER**

AND NOW, this **20th** day of **August 2024**, upon consideration of the Petition for Writ of *Habeas Corpus* (ECF No. 1), the Response to the Petition (ECF No. 19), the Report and Recommendation filed by United States Magistrate Judge José Raúl Arteaga (ECF No. 30), and the Objections to the Report and Recommendation (ECF No. 31), and after a thorough and independent review of the record, it is hereby **ORDERED** that:

1. The Report and Recommendation of Magistrate Judge José Raúl Arteaga is **APPROVED** and **ADOPTED**;
2. Petitioner's Objections (ECF No. 31) are **OVERRULED**;<sup>1</sup>
3. The Petition for Writ of *Habeas Corpus* is **DISMISSED WITHOUT PREJUDICE**; and

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<sup>1</sup> Petitioner lodges various objections to Judge Arteaga's Report and Recommendation. However, none of these objections appear to address Judge Arteaga's analysis from the Report and Recommendation. Even when construed liberally, *see Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (explaining that "[a] document filed *pro se* is to be liberally construed") (citation and quotation marks omitted), Petitioner's objections appear to simply restate his habeas claims. Therefore, Petitioner's objections are overruled for the same reasons that Petitioner's habeas claims are denied, as discussed and analyzed at length by Judge Arteaga in the Report and Recommendation.

4. No certificate of appealability shall issue because the petitioner has not made a substantial showing of the denial of a constitutional right under 28 U.S.C. § 2253(c)(2).

**BY THE COURT:**

**/s/ Chad F. Kenney**

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**CHAD F. KENNEY, JUDGE**